

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

September 26, 2019
2:30 PM

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IN RE:

Case No. 19-10487-CGM-13

BETSY MONTALVO-GONZALEZ,

Hon. CECELIA G. MORRIS

Debtor.
-----X

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the within application, Krista M. Preuss, Chapter 13 Trustee, will move this court before the Hon. Cecelia G. Morris, Chief U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at One Bowling Green, New York, NY 10004-1408, on the 26th day of September, 2019 at 2:30 PM, or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307 for cause dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: White Plains, New York
August 28, 2019

s/ Krista M. Preuss
Krista M. Preuss, Chapter 13 Trustee
399 Knollwood Road, Ste 102
White Plains, NY 10603
(914) 328-6333

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APPLICATION

TO THE HONORABLE CECELIA G. MORRIS, CHIEF U.S. BANKRUPTCY JUDGE:

KRISTA M. PREUSS, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on February 15, 2019, and, thereafter, KRISTA M. PREUSS was duly appointed and qualified as Trustee.

2. The Debtor has failed to provide the Trustee with documentation supporting receipt of Supplemental Nutritional Assistance Program (SNAP) and documentation pertaining to the personal injury action as requested by the Trustee at the 341(a) meeting of creditors.

3. The Debtor has failed to submit timely Chapter 13 plan payments to the Trustee as required by 11 U.S.C. §1325(a)(6), being, at this juncture, five months in arrears, or the sum of \$4,000.00.

4. The Debtor's failure as stated above impedes the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).

5. The foregoing constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: White Plains, New York
August 28, 2019

/s/ Krista M. Preuss
Krista M. Preuss, Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Case No: 19-10487-CGM-13

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IN RE:

BETSY MONTALVO-GONZALEZ,

**CERTIFICATE OF SERVICE
BY MAIL**

Debtor.
-----x

This is to certify that I, Lois Rosemarie Esposito, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

BETSY MONTALVO-GONZALEZ
668 JEFFERSON PLACE
BRONX, NY 10456

LORNA J. LAMOTTE, ESQ.
c/o CHERN LAW LLC
1120 AVENUE OF THE AMERICAS #4064
NEW YORK, NY 10036

Atlas Acquisitions LLC
294 Union Street
Hackensack, New Jersey 07601

SRP 2013-4 LLC
c/o SN Servicing Corporation
323 5th Street
Eureka, California 95501

SRP 2013-4 LLC
SN Servicing Corporation
c/o Jeremy S. Sussman, Esq.
225 Broadway # 3800
New York, New York 10007

The Bank of New York Mellon
c/o Specialized Loan Servicing, LLC
8742 Lucent Blvd. #300
Highlands Ranch, Colorado 80129

The Bank of New York Mellon
Specialized Loan Servicing, LLC
c/o Kozeny & McCubbin, LLC
12400 Olive Blvd. # 555
St. Louis, Missouri 63141

PM Factors, Inc. d/b/a 1st PMF BankCorp
c/o Storch Amini, PC
2 Grand central Tower
140 east 45th Street 25th Fl.
New York, New York 10017

This August 28, 2019
s/Lois Rosemarie Esposito
Lois Rosemarie Esposito, Paralegal
Office of the Standing Chapter 13 Trustee
Krista M. Preuss, Esq.
399 Knollwood Road, Suite 102
White Plains, NY 10603
(914) 328-6333

CASE NO: 19-10487-CGM-13

Hon. CECELIA G. MORRIS

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

BETSY MONTALVO-GONZALEZ,

Debtor.

NOTICE OF MOTION, APPLICATION, AND CERTIFICATE OF SERVICE

**KRISTA M. PREUSS
STANDING CHAPTER 13 TRUSTEE
399 KNOLLWOOD ROAD, SUITE 102
WHITE PLAINS, NEW YORK 10603
(914) 328-6333**
